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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,863	11/21/2003	Kevin M. Pintar	149-0170US	1363

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EXAMINER
EBIRIM, EMEKA

ART UNIT	PAPER NUMBER
2166	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/718,863	PINTAR ET AL.
	Examiner	Art Unit	
	Emeka Ebirim	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 November 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26 and 30* is/are rejected.

7)☒ Claim(s) *1 and 30* is/are objected to.

8)☒ Claim(s) *27-29* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Status

1.   The application has been examined and claims 27-29 have been restricted,

claims 1 – 26 and 30 are rejected as detailed below and are pending in this office

action.

Election/Restrictions

2.   Restriction to one of the following inventions is required under 35 U.S.C. 121:

>   Group I.   Claims 1 – 26 and 30 drawn to Subject matter directed to methods
>
>   of searching for (i.e., querying or extracting) data stored as a
>
>   database, classified in class 707, subclass 3.
>
>   Group II.   Claims 27 – 29 drawn to database schema or data structure
>
>   classified in class 707, subclass 100.

The inventions are distinct, each from the other because of the following reasons:

inventions group I and group II are related as subcombinations disclosed as usable

together in a single combination. The subcombinations are distinct from each other if

they are shown to be separately usable. In the instant case, invention group II has

separate utility such as addressing specifically organizing and inter-relating data or files,

including relational. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have

acquired a separate status in the art as shown by their different classification, restriction

for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Coe Miles on 06/08/2006 a provisional election was made without traverse to prosecute the invention of Database Table Version Unload, claims 1 – 26 and 30. Applicant in replying to this Office action must make affirmation of this election. Claims 27-29 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

Claim Objections

3.   Claim 1, 30 are objected to because of the following informalities: Line 4 of claim 1 recites "directed the". The meaning of this is not clear. Examiner presumes the claim the claim was intended to recite, "directed to the". Similar objection also applies to claim 30. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1-11, 14-24 and 30 are rejected under 35 U.S.C. 102(b) as being

anticipated by Patent No: 5881378 to Hayashi et al (hereinafter Hayashi).

Claim 1.

        Hayashi discloses:

        A database unload method, comprising [database, extract logical information, Col

13 lines 5-10]:

        receiving a request to extract data from a database table, the database table

having a current version associated with a current schema of the database table and a

prior version associated with a prior schema of the database table, the request directed

to the prior version [request, old version, new version, database, Col 16 lines 55-60, Fig

17A-17B]; and

        extracting data from the database table based on the table schema associated

with the prior version [database, extract logical information, table, Col 13 lines 5-10, Fig

15A-B].

Claim 2.

Hayashi discloses the elements of claim 1 as above and furthermore it discloses wherein the act of receiving a request further comprises obtaining schema definition information associated with the database table [schema definition, table Col 6 lines 25-27].

Claim 3.

Hayashi discloses the elements of claim 2 as above and furthermore it discloses, wherein the act of obtaining schema definition information comprises obtaining schema definition information for the prior version [definition information, old version, Col 16 lines 54-59].

Claim 4.

Hayashi discloses the elements of claim 3 as above and furthermore it discloses wherein the act of obtaining schema definition information further comprises obtaining schema definition information for versions associated with the database table in addition to the prior version [table, old version, schema definition, Col 6 lines 25-27, Col 16 lines 64-67-Col 17 lines 1-2].

Claim 5.

Hayashi discloses the elements of claim 2 as above and furthermore it discloses, wherein the act of obtaining schema definition information comprises receiving said schema definition information from a user [schema definition, user-specified, Col 6 lines 25-27, Col 5 lines 20-23].

Claim 6.

Hayashi discloses the elements of claim 2 as above and furthermore it discloses, wherein the act of obtaining schema definition information comprises receiving said schema definition from a database change management application [schema definition, Col 6 lines 25-27,33-35, Fig 15A-B].

Claim 7.

 Hayashi discloses the elements of claim 2 as above and furthermore it discloses, wherein the act of obtaining schema definition information comprises receiving said schema definition information directly from a database management system [schema definition, Col 6 lines 25-27,33-35].

Claim 8.

Hayashi discloses the elements of claim 1 as above and furthermore it discloses, wherein the act of extracting data comprises unloading data stored in the database table to a result set data structure [database, table, extract logical information, Col 13 lines 5-10, 43-45, Fig 16A-B].

Claim 9.

Hayashi discloses the elements of claim 8 as above and furthermore it discloses wherein the result set data structure comprises a computer file [Col 14 lines 45-50].

Claim 10.

Hayashi discloses the elements of claim 8 as above and furthermore it discloses wherein the act of extracting data comprises generating a file that encodes therein a definition of the schema associated with the prior version [Col 19 lines 35-39, 45-53].

Claim 11.

Hayashi discloses the elements of claim 8 as above and furthermore it discloses wherein the act of extracting data comprises [database, extract logical information, Col 13 lines 5-10]:

unloading a datum from the database table, said datum having a first format [database, extract logical information, format, Col 13 lines 5-10, Col 25 lines 15-20]; and

transforming the unload datum to a second format [database, extract logical information, format, Col 13 lines 5-10, Col 25 lines 15-20].

Claim 30.

Hayashi discloses:

A computer system, comprising:

a central processing unit [CPU, Col 6 line 5];

first storage operatively coupled to the central processing unit, the first storage

having stored therein at least a portion of a relational database table [storage 17A, Col 6

lines 13-16, Fig 1]; and

second storage operatively coupled to the central processing unit and the first

storage, the second storage having stored therein at least a portion of a database

management system, the database management system adapted to [storage, 17B, Fig

1, Col 6 lines 13-16]

receive a request to extract data from the relational database table, the relational

database table having a current version associated with a current schema of the

relational database table and a prior version associated with a prior schema of the

relational database table, the request directed the prior version [request, old version,

new version, database, Col 16 lines 55-60, Fig 17A-17B], and

extract data from the relational database table based on the table schema

associated with the prior version [database, extract logical information, table, Col 13

lines 5-10, Fig 15A-B].

6.   Subject matter of claims 14 – 24 are rejected in the analysis above in claims 1

– 11 and these claims are rejected on that basis.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

9.   Claims 12-13 and 25-26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Hayashi in view of Patent No: 6,366,917 to St John Herbert, III

(hereinafter Herbert).

Claim 12.

        Hayashi discloses the elements of claim 8 as above but it does not explicitly

indicate the elements of claim 12. Herbert discloses the claimed elements, wherein the

act of extracting data comprises [extract information, table, See Herbert Col 5 lines 20-

22]:

identifying a row in the database table [identifier, row, database, table, Col 9 lines

44-50];

determining a version associated with the identified row [identifier, table version,

row, database, table, Col 9 lines 44-50];

and

extracting data from the identified row in accordance with the determined version

[extract information, table, version, See Herbert Col 5 lines 20-22, Col 9 lines 44-50].

Claim 13.

The combination of Hayashi and Herbert discloses the elements of claim 12, and

furthermore it discloses wherein the acts of identifying, determining and extracting are

repeated for each row in the database table [See Herbert Col 11 lines 3-6].

10.   Subject matter of claims 25 – 26 are rejected in the analysis above in claims

12 – 13 and these claims are rejected on that basis.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Emeka Ebirim whose telephone number is 571-272-

3994. The examiner can normally be reached on 8:30pm - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hosain Alam, can be reached on 571-272-3978. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

> Emeka Ebirim
> Examiner
> Art Unit 2166

June 8, 2006

KHANH B. PHAM
PRIMARY EXAMINER